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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHILLIP FORMAN, an individual,

Plaintiff,

vs.

UNITED HEALTH PRODUCTS, INC., a
Nevada domestic corporation; and
DOUGLAS K. BEPLATE, an individual,

Defendant.

Case Number:
2:19-cv-519-GMN-VCF

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE JOINT
PRE-TRIAL ORDER
(FIRST REQUEST)**

Plaintiff, Phillip Forman (“Dr. Forman” or “Plaintiff”), by and through his attorneys, the law firms of Marquis Aurbach and Carmel, Milazzo & Feil, LLP and Defendants United Health Products, Inc. (“UHP”) and Douglas K. Beplate (“Beplate”) (collectively referred to herein as the “Defendants”), by and through their counsel of record, Frank H. Cofer III, Esq., of the law firm of Cofer & Geller, LLC, and Howard R. Birnbach, Attorney at Law, hereby stipulate as follows.

SUMMARY OF RELIEF REQUESTED

This stipulation is a request to extend the current deadline to file a joint pre-trial Order, as set forth in an Order of this Honorable Court, dated February 14, 2022. Currently, the joint pre-trial Order is due to be filed on March 7, 2022. The parties are respectfully requesting a two (2) week extension, such that the joint pre-trial Order be due on March 21, 2022.

Pursuant to LR IA 6-1

(a) A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted...A request made after the expiration of the specified period will not be granted unless the movant or attorney demonstrates that the failure to file the motion before the deadline expired was the result of excusable neglect. Immediately below the title of the motion or stipulation there also must be a statement indicating whether it is the first, second, third, etc., requested extension, i.e.

**STIPULATION TO EXTEND TIME TO FILE MOTIONS
(First Request)**

See, LR IA 6-1

The parties therefore submit this stipulation to in order to request an extension of time within which to file a joint pre-trial Order in compliance with LR IA 6-1.

The joint pre-trial Order is currently due to be filed on March 7, 2022. The parties are respectfully requesting an extension of two (2) weeks, bringing the new due date up to and including March 21, 2022. The reasons for the instant request are as follows. First, while some of the issues for trial have been simplified following this Honorable Court's Decision and Order on each parties' motion for summary judgment, there is still a complexity of factual matters with respect to claims which were not subjects of either motion for summary judgment, including which of the purported facts are legitimately contested or uncontested. Accordingly, the parties respectfully submit that they require additional time to resolve these outstanding issues.

In addition, counsel for Plaintiff is currently negotiating trial dates for another matter which requires the coordination of multiple expert witnesses. Counsel for Plaintiff is expected to have more clarity as to the expected trial date following the upcoming March 7, 2022 pre-trial conference for same matter. It is respectfully submitted that counsel for Plaintiff will be in a better position to determine his availability for trial of this matter once scheduling for such other matter has been resolved.

1 Finally, in recent days the parties have engaged in settlement negotiations. The
 2 undersigned believes that the brief extension sought may help facilitating same by 'keeping
 3 money on the table' which would otherwise go towards legal fees in preparing the pre-trial
 4 Order. Further, the undersigned believes that a settlement may be facilitated by reserving
 5 contentious issues required for the pre-trial Order until negotiations are no longer productive.

6 Accordingly, the parties respectfully request that the due date for the filing of the joint
 7 pre-trial Order be extended by two (2) weeks, from March 7, 2022 to March 21, 2022.

8 Dated this 4th day of March, 2022

Dated this 4th day of March, 2022

9 **MARQUIS AURBACH**

COFER & GELLER, LLC

10 By: /s/ Scott a. Marquis, Esq.

By: /s/ Frank H. Cofer III Esq.

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18 ORDER

19 IT IS SO ORDERED:

20
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22 UNITED STATES MAGISTRATE JUDGE

23 DATED: 3-8-2022

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